



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.HO13011688

██████████,
Complainant,
v.

MICHAEL T. LAZO,
ANGELA M. LAZO,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred in this instance. 910 IAC 1-3-2(c).

On January 24, 2013, ██████████ (“Complainant”) filed a Complaint with the Commission against Michael T. and Angela M. Lazo (“Respondents”) alleging discrimination on the basis of retaliation, in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et. seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Respondent retaliated against the Complainant. In order to prevail on such a claim, Complainant must show that: 1) she exercised a right protected by the law; 2) Respondent was aware of the activity; 3) Respondent took adverse action against Complainant; and 4) there is a nexus between the protected activity and the adverse action taken by Respondent.

The parties involved in this matter have a long and contentious history. On July 16, 2009, Complainant filed a Complaint with the Commission against the Respondents, alleging discrimination on the basis of race in violation of the Indiana Fair Housing Act, Indiana Civil Rights Laws, and the Federal Fair Housing Act (ICRC No. HO13011688). While the Commission found that there was evidence that Respondent did, indeed, interfere with Complainant’s right to enjoy her home, there was insufficient evidence to show that race was a motivating factor and issued a no probable cause finding on December 18, 2009. Later, Respondents filed a civil action against Complainant in November 2010 (45D09-1011-SC-03800) requesting damages, specifically, attorneys fees and expenses arising from defending the previous Complaint filed



before the Commission. Complainant ultimately prevailed and received a judgment in her favor on October 16, 2012

The instant case involves a complex consisting of 4 condominiums. Respondents own three of the condos while the Complainant owns and currently lives in the fourth condo with Mr. Lazo serving as president of the condominium association and his wife acting as the association's secretary. Respondents issued a special assessment in the amount of \$600 per condo for alleged maintenance repairs to the complex without consulting Complainant, providing estimates for the cost of service, or quotes for the work to be completed. Complainant has refused to pay the fee and receives notices charging her an additional \$25 per month until the \$600 assessment is paid in full. Respondents have threatened to sue Complainant if she refuses to pay the assessment. Moreover, Complainant was advised that an attorney would be hired to collect the assessment and received a signed letter dated February 4, 2013 from the law firm of Genetos, Retson, & Yoon, LLP indicating that it was an attempt to collect a debt in the amount of \$1,781.15. On February 8, 2013, Complainant received another letter saying that the February 4, 2013 letter had been "inadvertently sent" and that she was to "disregard the February 4, 2013 letter."

It is clear that Complainant's act of filing a Complaint with the Commission is a right protected by law. Further, there is no question that Respondents are aware of the previous complaint Complainant filed with the Commission and that unilaterally charging an assessment fee constitutes an adverse action against Complainant. Viewing the evidence in the light most favorable to Complainant and taking into account Respondent's failure to respond to the Commission's repeated requests in an appropriate manner, the Commission finds that there is a nexus between the protected activity and Respondent's adverse acts against [REDACTED]. As such, probable cause exists to believe that an unlawful discriminatory practice may have occurred in this case. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5.

The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt or this notice or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

June 3, 2013
Date

Akia A. Haynes
Akia A. Haynes, Esq.
Deputy Director
Indiana Civil Rights Commission